

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

SCOTT A. BLAYLOCK

Case No. C-3:10-cv-220

Petitioner,

-v-

**Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington**

**TINA PATRICK, Regional
Administrator Adult Parole Authority**

Respondent.

ENTRY AND ORDER OVERRULING BLAYLOCK'S OBJECTIONS (Doc. #3) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS; ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #2) IN ITS ENTIRETY; DISMISSING BLAYLOCK'S PETITION FOR A WRIT OF HABEAS CORPUS WITH PREJUDICE; DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS*; DENYING ANY REQUESTED CERTIFICATE OF APPEALABILITY; AND TERMINATING THIS CASE

This matter comes before the Court pursuant to Petitioner Scott Blaylock's ("Blaylock's") Objections (doc. #3) to Magistrate Judge Sharon L. Ovington's Report and Recommendations (doc. #2). Upon review, as required by Rule 4 of the Rules Governing § 2254 cases, the Magistrate Judge recommends that Blaylock's Petition for a Writ of Habeas Corpus be dismissed with prejudice as barred by the statute of limitations.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Blaylock's Objections to the Magistrate Judge's Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations is adopted in its entirety.

Blaylock's Petition for a Writ of Habeas Corpus was given preliminary consideration as required by Rule 4 of the Rules Governing § 2254 Cases. Pursuant to this consideration, Blaylock's Petition is time barred and must, therefore, be dismissed. Further, because reasonable jurists would not disagree with this conclusion, any appeal would be objectively frivolous. Thus, Blaylock is denied leave to appeal *in forma pauperis* and any requested certificate of appealability. Finally, The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and ORDERED in Dayton, Ohio, this Twenty-Eighth Day of July, 2010.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record